

STATUTORY WAIVERS OF THE JONES ACT

1. COASTAL VENTURE. Section 202 of Public Law 107-295 (116 STAT. 2093), amended Section 1120(g) of the Public Law 104-324, approved October 19, 1996 (110 STAT. 3978), to deem the vessel COASTAL VENTURE (No. 971086), to have been constructed in the United States as of the date of its original delivery. Section 202 provides:

Sec. 202. Vessel COASTAL VENTURE.

Section 1120(g) of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 STAT. 3978) is amended by inserting "COASTAL VENTURE (United States official number 971086)," after "vessels".

2. MISCELLANEOUS WIAVERS. Section 207 of Public Law 107-295 (116 STAT. 2096) provides:

Sec. 207. Miscellaneous Certificates of Documentation.

(a) **In General.** —Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

- (1) LOOKING GLASS (United States official number 925735).
- (2) YANKEE (United States official number 1076210).
- (3) LUCKY DOG of St. Petersburg, Florida (State of Florida registration number FLZP7569E373).
- (4) ENTERPRIZE (United States official number 1077571).
- (5) M/V SANDPIPER (United States official number 1079439).
- (6) FRITHA (United States official number 1085943).
- (7) PUFFIN (United States official number 697029).
- (8) VICTORY OF BURNHAM (United States official number 663780).
- (9) R'ADVENTURE II (United States official number 905373).
- (10) ANTJA (State of Florida registration number FL3475MA).
- (11) SKIMMER, manufactured by Contour Yachts, Inc.(hull identification number HG34031D001).

- (12) TOKEENA (State of South Carolina registration number SC 1602 BJ).
- (13) DOUBLE EAGLE 2 (United States official number 1042549).
- (14) ENCOUNTER (United States official number 998174).
- (15) AJ (United States official number 599164).
- (16) BARGE 10 (United States official number 1101368).
- (17) NOT A SHOT (United States official number 911064).
- (18) PRIDE OF MANY (Canadian official number 811529).
- (19) AMAZING GRACE (United States official number 92769).
- (20) SHEWHO (United States official number 1104094).
- (21) SOVEREIGN (United States official number 1028144).
- (22) CALEDONIA (United States official number 679530).
- (23) ISLANDER (State of South Carolina identification number SC 9279 BJ).
- (24) F/V ANITA J (United States official number 560532).
- (25) F/V HALF MOON BAY (United States official number 615796).
- (26) F/V SUNSET BAY (United States official number 598484).
- (27) BILLIE-B (United States official number 958427).

(b) Eligibility For Administrative Waivers—The following vessels are deemed to be eligible vessels within the meaning of section 504(2) of the Coast Guard Authorization Act of 1998 (46 U.S.C. 12106 note):

- (1) EXCELLENCE III (hull identification number HQZ00255K101).
- (2) ADIOS (hull identification number FAL75003A101).
- (3) LAUDERDALE LADY (United States official number 1103520).
- (4) UNIT ONE (United States official number 1128562).

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(d) Technology Demonstration Waiver.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for the sole purpose of technology demonstrations (including transporting guests for such demonstration who have not contributed consideration for their passage) for the vessel FOILCAT (United States official number 1063892).

3. FIREWORKS BARGES. Section 209 of Public Law 107-295 (116 STAT. 2098) provides:

Sec. 209. Certificate of Documentation for 3 Barges.

(a) **Documentation Certificate.**—Notwithstanding section 12106 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), and subject to subsection (c) of this section, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with an appropriate endorsement for employment in the coastwise trade for each of the vessels listed in subsection (b).

(b) **Vessels Described.**—The vessels referred to in subsection (a) are the following:

(1) The former Navy deck barge JIM, having a length of 110 feet and a width of 34 feet.

(2) The former railroad car barge HUGH, having a length of 185 feet and a width of 34 feet.

(3) The former railroad car barge TOMMY, having a length of 185 feet and a width of 34 feet.

(c) **Limitation on Operation.**—A vessel issued a certificate of documentation under this section may be used only as a floating platform for launching fireworks, including transportation of materials associated with that use.

4. DREDGE EAGLE. Section 210 of Public Law 107-295 (116 STAT. 2098), provides:

Sec. 210. Certificate of Documentation for the EAGLE.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), chapter 121 of title 46, United States Code, and section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), the Secretary of the department in which the Coast Guard is operating shall issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EAGLE (hull number BK-1754, United States official number 1091389) if the vessel is—

(1) owned by a State, a political subdivision of a State, or a public authority chartered by a State;

(2) if chartered, chartered to a State, a political subdivision of a State, or a public authority chartered by a State;

(3) operated only in conjunction with—

(A) scour jet operations; or

(B) dredging services adjacent to facilities owned by the State, political subdivision, or public authority; and

(4) externally identified clearly as a vessel of that State, subdivision, or authority.

5. LAUNCH BARGES. Section 213 of Public Law 107-295 (116 STAT. 2099), provides:

Sec. 213. Coastwise Trade Authorization.

(a) In General.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), or any other provision of law restricting the operation of a foreign-built vessel in the coastwise trade of the United States, the following vessels may, subject to subsection (b), engage in the coastwise trade of the United States to transport platform jackets from ports in the Gulf of Mexico to sites on the Outer Continental Shelf for completion of certain offshore projects as follows:

- (1) The H-114, H-627, I-650, and H-851 for the projects known as Atlantis, Thunderhorse, Holstein, and Mad Dog.
- (2) The I-600 for the projects known as Murphy Medusa, Dominion Devil's Tower, and Murphy Front Runner.

(b) Priority for U.S.-Built Vessels.—Subsection (a) shall not apply in instances where a United States-built, United States documented vessel with the capacity to transport and launch the platform jacket involved or its components is available to transport that jacket or its components. In this section, the term “platform jacket” has the meaning given that term under the thirteenth proviso of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as amended by subsection (c) of this section.

(c) Definition.—The thirteenth proviso (pertaining to transportation by launch barge) of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), is amended by striking the period at the end and inserting the following: “; and for the purposes of this proviso, the term platform jacket” includes any type of offshore drilling or production structure or components, including platform jackets, tension leg or SPAR platform superstructures (including the deck, drilling rig and support utilities, and supporting structure) hull (including vertical legs and connecting pontoons or vertical cylinder), tower and base sections of a platform jacket, jacket structures, and deck modules (known as ‘topsides’) of a hydrocarbon development and production platform.” As so amended, section 27 of the Merchant Marine Act, 1920, is set forth at page 260, *supra*.

6. FOREIGN-BUILT TANKERS. Section 214 of Public Law 107-295 (116 STAT. 2100), provides:

Sec. 214. Jones Act Waiver for Delayed Vessel Delivery.

(a) In General.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19,

1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for a self-propelled tank vessel not built in the United States as provided in this section.

(b) Waiver Requirements.—The Secretary may not grant a waiver under subsection (a) unless—

(1) the person requesting the waiver is a party to a binding legal contract, executed within 24 months after the date of enactment of this Act, with a United States shipyard for the construction in the United States of a self-propelled tank vessel;

(2) the Secretary determines, on the basis of the terms of the contract, the parties to the contract, the actions of those parties in connection with the contract, and the circumstances under which the contract was executed, that the parties are making a bona fide effort to construct in the United States and deliver a self-propelled tank vessel in a timely manner;

(3) the vessel for which the waiver is granted will meet otherwise applicable requirements of law regarding ownership and operation for vessels employed in the coastwise trade;

(4) the shipyard owns a facility with sufficient infrastructure to construct the self-propelled tank vessel;

(5) the self-propelled tank vessel that is the subject of that contract will not be available for use on the contracted delivery date because of a delay in the construction or delivery of the vessel due to unusual circumstances; and

(6) the Secretary determines that no other suitable tank vessel or vessels, or tank vessel capacity, that would not require such a waiver are reasonably available to the person requesting the waiver.

Prior to making the determination under paragraph (6), the Secretary shall provide public notice of a waiver request and shall provide persons who may have such suitable tank vessels an opportunity to indicate to the requester and the Secretary the particulars of available tank vessels or tank vessel capacity not requiring a waiver under this section.

(c) Limitations.—

(1) *Capacity of Tank Vessel.*—The Secretary may not grant a waiver under subsection (a) for a self-propelled tank vessel that has substantially greater capacity than the vessel described in subsection (b)(1).

(2) *Maximum Duration of Waiver.*—The Secretary may not grant a waiver under subsection (a) for a period prior to, or extending more than 48 months after, the original contract delivery date of the vessel described in subsection (b)(1).

(3) *Maximum Number of Waivers.*—The Secretary may grant waivers under subsection (a) for not more than 3 selfpropelled tank vessels.

(d) Determination of Waiver.—

(1) *In General.*—A waiver grant under subsection (a) shall terminate on the earlier of—

(A) the date established by the Secretary as its expiration date under subsection (c)(2); or

(B) the date that is 60 days after the day on which the vessel described in subsection (b)(1) is delivered.

(2) *Termination for International Delay.*—The Secretary may terminate a waiver granted under subsection (a) at any time if the Secretary determines that the delay in the construction or delivery of the vessel described in subsection (b)(1) is no longer due to unusual circumstances.

(e) Suspension of Waiver.—The Secretary may suspend a waiver granted under subsection (a) for any period of time if the Secretary determines that a suitable tank vessel, or suitable tank vessel capacity, that would not require such a waiver is reasonably available to the person requesting the waiver.

(f) Contracted-For Vessel Delivery.—If the Secretary grants a waiver under subsection (a), the shipyard constructing the vessel described in subsection (b)(1) shall deliver the vessel, constructed in accordance with the terms of the contract, as soon as practicable after the delivery date established by the contract.

(g) Unusual Circumstances Defined.—In this section, the term “unusual circumstances” means bankruptcy of the shipyard or Acts of God (other than ordinary storms or inclement weather conditions), labor strikes, acts of sabotage, explosions, fires, or vandalism, and similar circumstances beyond the control of the parties to the contract which prevent commencement of construction, or timely delivery or completion, of a vessel.